

OFFICIAL

RECEIVED
CENTRAL FAX CENTER
MAY 13 2004

001

Don W. Martens*
 James B. Bear
 Darrell L. Olson*
 William B. Bunker
 William H. Nieman
 Arthur S. Rose
 James F. Lesniak
 Ned A. Israelson
 Drew S. Hamilton
 Jerry T. Sewell
 John B. Sganga, Jr.
 Edward A. Schiatter
 Gerard von Hoffmann
 Joseph R. Re
 Catherine J. Hollend
 John M. Carson
 Karen Vogel Well
 Andrew H. Simpson
 Jeffrey L. Van Hoosier
 Daniel E. Altman
 Stephen C. Jensen
 Vito A. Canuso III
 William H. Shreve
 Lynda J. Zadra-Symeest
 Steven J. Nalaupsky
 Paul A. Stewart
 Joseph F. Jennings
 Craig G. Summers
 Annelmarie Kaiser
 Brenton R. Babcock
 Thomas F. Smegal, Jr.
 Michael H. Trenholm
 Diane M. Reed
 Ronald J. Schoenbaum
 John R. King
 Frederick S. Berroba
 Nancy W. Vencko
 John P. Giezantanner
 Adeel S. Akhter
 Thomas R. Arno
 David N. Wales
 Daniel Hart, Ph.D.
 Douglas C. Muehlhauser
 Lori Lee Yamato
 Michael K. Friedland
 Dale C. Hunt, Ph.D.
 Richard E. Campbell
 Stacey R. Halpern
 Lee W. Henderson, Ph.D.
 Mark M. Abumeri

Jon W. Gurka
 John W. Holcomb
 Joseph M. Reisman, Ph.D.
 Michael L. Fuller
 Eric M. Nelson
 Mark R. Benedict, Ph.D.
 Paul N. Conover
 Robert J. Roby
 Sabina H. Lee
 Karoline A. Delaney
 Joseph S. Cianfrani
 William R. Zimmerman
 Paul C. Steinhardt
 Eric S. Furman, Ph.D.
 Susan M. Nathand
 James W. Hill, M.D.
 Deborah S. Shepherd
 Glen L. Nutall
 Tirzah Abé Lowe
 Sanjivpal S. Gill
 Rose M. Thieszen, Ph.D.
 Michael A. Giuliana
 Mark J. Kerts
 Rabinder N. Narula
 Bruce S. Itchikowitz, Ph.D.
 Michael S. Okamoto
 John M. Grover
 Mallary K. De Merlier
 Irfan A. Lafeef
 Amy C. Christensen
 Sharon S. Ng
 Mark J. Gallagher, Ph.D.
 David G. Jankowski, Ph.D.
 Brian C. Horne
 Payson J. LeMelleur
 Sheila N. Swaroop
 Ben A. Katzenellenbogen
 Linda H. Liu
 Andrew N. Merickel, Ph.D.
 David L. Hauser
 James F. Herkenhoff
 Scott Loras Murray
 Andrew M. Dougles
 Marc T. Morley
 Salima A. Moran, Ph.D.
 Sam K. Tahmassabi, Ph.D.
 Christy G. Luu
 Jonathan A. Hyman
 Curtis C. Dosier
 Joseph J. Mallon, Ph.D.

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
 Fourteenth Floor
 Irvine, CA 92614
 Tel 949-760-0404
 Fax 949-760-9502
 knob.com

Thomas P. Krzeminski
 Sean M. Murray
 Eleonore Niw
 Valeria L. Bracken
 J. David Everard†
 Perry D. Oldham
 Jerry L. Hefner, Ph.D.
 Russell M. Jelde

Of Counsel
 Louis J. Knobbe*

Jerry R. Seller

Japanese Patent Atty
 Katsuhiko Arai
 Tomohisa Sugiyama

Korean Patent Atty
 Minchae Kim
 Heungsang Choi

Scientists & Engineers
 (Non-Lawyers)

Raimond J. Salenoks**
 Khurram Rahman, Ph.D.

Jennifer Haynes, Ph.D.**
 Che S. Charekin, Ph.D.**

James W. Ausley**
 Kirk E. Pastorien, Ph.D.**

Connie C. Tong, Ph.D.**

Nira M. Brand**

Tiffany C. Miller**
 James W. Chang, Ph.D.**

Marina L. Gorday, Ph.D.**

W. Frank Dauerer

Lang J. McHardy**

Karen J. Lenker

Chris Weaberg, Ph.D.

Eric B. Ives, Ph.D.**

Raymond D. Smith, Ph.D.

* A Professional Corporation

† Also Barrister At Law (Eng. & Welsh)

** U.S. Patent Agent

TT Also Solicitor pro. A Notar

CONFIRMATION COPY WILL FOLLOW VIA:

- MAIL
- INTERNATIONAL AIRMAIL
- COURIER
- E-MAIL
- WILL NOT FOLLOW
- HAND DELIVERY
- WITH ENCLOSURES
- WITHOUT ENCLOSURES

Facsimile Transmittal Sheet

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner Neill R. Wilson
FIRM: United States Patent and Trademark Office
YOUR REF.: Serial No. 10/728,693
FACSIMILE NO.: (703) 872-9306
FROM: Michael A. Giuliana
DATE: May 13, 2004

OUR REF.: TRACKER.1C1DV1

Group Art Unit: 3679

OPERATOR: Ping-Ping Tang

NO. OF PAGES: 4 (incl. cover sheet)

TIME:

IF YOU DID NOT RECEIVE ALL OF THE PAGES PLEASE CALL BACK IMMEDIATELY
 OPERATOR PHONE NO.: (949) 760-0404 FACSIMILE NO.: (949) 760-9502

MESSAGE:

550 West C Street
 Suite 1200
 San Diego CA 92101
 Tel 619-235-8550

201 California Street
 Suite 1150
 San Francisco CA 94111
 Tel 415-854-4114

1901 Avenue of the Stars
 Suite 1500
 Los Angeles CA 90067
 Tel 310-551-3450

3403 Tenth Street
 Suite 700
 Riverside CA 92511
 Tel 909-787-9231

1114 Marsh Street
 San Luis Obispo CA 93401
 Tel 805-547-5580
 Fax 805-547-5590

Docket No.: TRACKER.1C1DV1

Customer No.: 20,995

AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Stephen H. Albertson et al.
 App. No. : 10/728,693
 Filed : December 5, 2003
 For : CATEGORIZING
 FASTENERS AND
 CONSTRUCTION
 CONNECTORS USING
 VISUAL IDENTIFIERS
 Examiner : Neill R. Wilson
 Art Unit : 3679

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004
 (Date)
 Michael A. Giuliana, Reg. No. 42,611

RECEIVED
CENTRAL FAX CENTER

MAY 13 2004

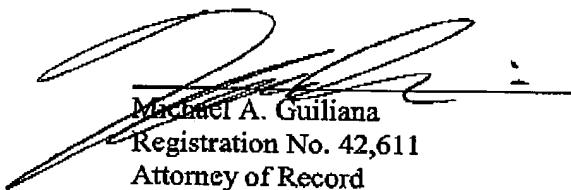
Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

OFFICIAL

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Preliminary Remarks in 2 pages.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



Michael A. Giuliana
 Registration No. 42,611
 Attorney of Record
 Customer No. 20,995
 (949) 760-0404

H:\DOCS\MAG\MAG-6321.DOC
 051304

TRACKER_1C1DV1

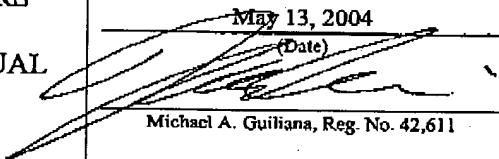
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen H. Albertson et al.
 Appl. No. : 10/728,693
 Filed : December 5, 2003
 For : CATEGORIZING FASTENERS
 AND CONSTRUCTION
 CONNECTORS USING VISUAL
 IDENTIFIERS
 Examiner : Neill R. Wilson
 Group Art Unit : 3679

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to Examiner Neill R. Wilson, Fax No. (703) 872-9306 (Central fax) of the USPTO on the date shown below:

May 13, 2004
 (Date)

 Michael A. Giuliana, Reg. No. 42,611

PRELIMINARY REMARKS

RECEIVED
 CENTRAL FAX CENTER

MAY 13 2004

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

OFFICIAL

Prior to examination of the present application, Applicant submits the following remarks.

REMARKS

Applicants would like to thank Examiner Wilson for the courteous interview extended to applicants' counsel, Michael A. Giuliana, on April 22, 2004. During the interview, the Examiner indicated that it would helpful if Applicants submitted comments as to the relevance of U.S. Patent No. 5,511,917 issued to Dickson. In response, Applicants' counsel agreed to submit comments regarding the Dickson reference to the effect that the Dickson reference teaches one form of the prior art discussed in the Background section of the present application. For example, as set forth in the present application from page 2, line 17 through page 3, line 2:

Prior attempts to solve this problem have been unsuccessful. For example, one such attempt is described in U.S. Pat. No. 5,511,917 issued to Charles F. Dickson, the entirety of which is incorporated by reference as if fully set forth herein. The Dickson patent describes a complex system in which numbers and clock like markings are inscribed into nail heads. The markings represent a pattern from which the length and/or gauge of the nail can be identified. However, because the size of the markings is limited by the size of the nail head, for very small nails, the markings cannot be distinguished unless one is within a close proximity (12" maximum) to the nail due to the small size of the inscription. This